

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DARLENE WELLS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:03CV1338BN

HOME DEPOT USA, INC.

DEFENDANT

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COMES NOW Darlene Wells, Plaintiff in the above styled and numbered cause, and Home Depot USA, Inc., Defendant in the above styled and numbered cause, by and through their respective counsel of record and, pursuant to Rule 41(a)(ii) of the Federal Rules of Civil Procedure (2005), and hereby advise the Court that Defendant Home Depot USA, Inc. is voluntarily dismissed from the above matter without prejudice.

So stipulated on this, the tenth day of August, A.D., 2005.

/s/ J. C., Patton

COUNSEL FOR THE PLAINTIFF

/s/ W. Heath Hillman

COUNSEL FOR DEFENDANT

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CERTIFICATE OF SERVICE

I hereby certify that I have this date, August 10, 2005, electronically filed the above and foregoing Stipulation of Dismissal with the Clerk of the Court using the ECF system which sent notification of such filing to the following counsel of record:

J. C. Patton, Esq.
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and I hereby certify that I have mailed the above by First Class Mail, postage prepaid, to the following non-ECF participants:

NONE

/s/ W. Heath Hillman